

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

**IN THE MATTER OF THE APPLICATION OF STOLT)
SEA FARM MAINE, INC. FOR RENEWAL OF AN)
AQUACULTURE LEASE LOCATED IN HARRIS)
COVE, EASTPORT, WASHINGTON COUNTY,)
MAINE)**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION**

On October 21, 2004, Stolt Sea Farm Maine, Inc. applied for the renewal of an aquaculture lease issued on July 21, 1995. The applicant requested a ten-year renewal, to July 20, 2015, of a 10-acre net pen culture lease located in Harris Cove in Eastport, Washington County, Maine.

Notice of the application for lease renewal was published in the December, 2004 issue of Commercial Fisheries News and the November 26, 2004 and December 10, 2004 issues of the The Quoddy Tides. Members of the public, riparians and interested persons were given to December 26, 2004 to submit comments or to request a hearing on the application for lease renewal. No comments or requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 300 acres; and the lease is not being held for speculative purposes.

The applicant has complied with the lease agreement during its term. In determining whether it is in the best interest of state to renew the lease, the Department takes into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There are no known conflicts with other new or existing uses

of the area. Additionally, the renewal of this lease will not cause the applicant to lease more than 300 acres.

In determining whether the lease is being held for speculative purposes, the Department looks to whether substantially no aquaculture or research has been conducted on the lease site. The applicant has conducted aquaculture on the lease site during its term. Therefore, I find that the lease is not being held for speculative purposes.

The original lease issued for this site allows for the cultivation of Atlantic salmon, rainbow trout, cod, halibut and haddock. The applicant has requested a renewal for Atlantic salmon, Atlantic cod, haddock and halibut. Therefore, rainbow trout will be removed from the lease.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the lease site has been consolidated into one tract and the following lease description shall replace the description set forth in the original lease document:

STARTING at the point Latitude 44°55'05.00"N, Longitude 66°59'47.00"W (datum NAD83/WGS84), and point of beginning; thence 0° True, a distance of 800 feet to the northwest corner (44°55'12.90"N, 66°59'47.00"W); thence 90° True, a distance of 545 feet to the northeast corner (44°55'12.90"N, 66°59'39.43"W); thence 180° True, a distance of 800 feet to the southeast corner (44°55'05.00"N, 66°59'39.43"W); thence 270° True, a distance of 545 feet to the southwest corner and point of beginning. This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

Decision

The Commissioner of Marine Resources grants the application of Stolt Sea Farm Maine, Inc. for renewal of the 10-acre aquaculture lease located in Harris Cove, Eastport, Maine, for a period of ten years, to July 20, 2015. In the renewal of this lease, Stolt Sea Farm Maine, Inc. is subject to the same terms, conditions, and obligations as set forth in the original lease, except that rainbow trout shall no longer be a permitted species on the lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources